



## City of Seattle

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Department of Planning and Development  
D. M. Sugimura, Director

### **CITY OF SEATTLE DETERMINATION OF NON-SIGNIFICANCE BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Number:** 3012566  
**Applicant Name:** Paul Pierce, Playhouse Design Group  
**Address of Proposal:** 838 NE 69<sup>th</sup> Street

#### **SUMMARY OF PROPOSAL**

Land Use Application to allow a three-story structure containing 30 residential units. Existing shed and surface parking to be removed.

The following approval is required:

**SEPA Environmental Determination** (SMC Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

#### **BACKGROUND**

**Site Location:** The proposed development is located on the north side of NE 69<sup>th</sup> Street, just west of Roosevelt Way NE.

**Zoning:** The subject site is located within a Neighborhood Commercial 2 zone with a 40 foot height limit; however the project application is considered under the Lowrise 2 development standards since a complete building permit application was submitted to the City (AP# 6289525) prior to the zoning map change to Neighborhood Commercial.

Properties adjacent to the site's west and north property lines are zoned Single Family 5000 (SF 5000). The property located adjacent to the east property line is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40'). Properties northeast, east and southeast of the subject site are zoned NC2-40'. Properties located northwest, west and southwest of the subject site are zoned SF5000. Interstate 5 (federal highway) is located approximately two blocks to the west; and, Calvary Temple, a religious institution, is located on the entire block south of NE 69<sup>th</sup> Street. The remainder of the area is single family residences with some multi-family and commercial uses on and near Roosevelt Way NE. The property is located within a Frequent Transit Service Corridor, Station Area Overlay District and Urban Village.

Parcel Sizes: The parcel size is 6,167 sq. ft.

Existing Use: Parking.

Public Comment: The public comment period ended April 18, 2012. Numerous comment letters were received from the adjacent property owner.

### **ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 11, 2011 and supplemental information including; Traffic Analysis- Trip Generation and Parking Demand Study, Parking Utilization Study, Greenhouse Gas Emissions worksheet; and, project plans which include a site plan, elevations, floor plans and Landscape plan. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and additional information in the file; and considered pertinent comments received during the public comment period. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations and other Agency reviews applicable to this proposed project, including the Noise Ordinance, Tree Ordinance, Land Use Code, Building Code, Fire Code, Grading Code, Stormwater Code, Seattle Department of Transportation Traffic Control Manual, and PSCAA will provide sufficient mitigation of most identified impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). There are, however, short-term impacts to surrounding uses from greenhouse gas emissions, construction-related noise and removal of trees; and long-term impacts to surrounding uses from on street parking, and height, bulk and scale that warrant additional discussion and potential mitigation.

## SHORT TERM IMPACTS

The following temporary or construction-related impacts are expected: temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Noise

Excavation will be required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

## LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal, which include removal of trees and vegetation, increased traffic; increased parking demand on local streets; increased density, and increased demand for public services and utilities. Compliance with applicable codes and ordinances such as the Land Use Code, Building Code, Fire Code and Stormwater Code will reduce or eliminate most adverse long-term impacts to the environment.

### Plants and Animals

Development of the site will cause the removal of one 7-inch dbh Claret Ash (*Fraxinus Oxycarpa*) and nine 4 – 8 inch dbh English Laurel (*Prunus laurocerasus*). SEPA Policy (SMC 25.05.675N.2.c states when the decision maker finds that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travel ways, or habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value, the decision maker may condition or deny the project to mitigate its adverse impacts. Such conditioning or denial is permitted whether or not the project meets the criteria of

the Overview Policy set forth in SMC Section 25.05.665. For the purposes of determining the value of “rare, uncommon, unique or exceptional” trees on sites undergoing environmental review, DPD relies on Director’s Rule 16-2008 to provide clarification for determining trees that should be considered for exceptional status and the standards and procedures for this determination.

The trees located on site are not considered exceptional in that the trees are not designated as heritage trees by the City of Seattle or are rare or exceptional by virtue of their size, species, condition, cultural/historic importance, age, and/or contribution as part of a grove of trees as determined the methods established in the Rule. Further, as trees not designated exceptional under the Rule they are not considered rare, uncommon, unique or exceptional plant or wildlife habitat; or, habitat diversity for species of substantial aesthetic, educational, ecological or economic value as provided for in SMC 25.05.675N.2.c. Therefore no mitigation is required for removal of the trees.

### Traffic

A traffic analysis was prepared by William Popp Associates (dated April 25, 2015) which uses the Eighth Edition of the ITE Trip Generation Report, 2008 and project trip generation rates associated with Land use Code (LUC) 223 Mid-Rise Apartments, to calculate trip generation rates for the proposed development. The proposal is anticipated to generate 123 weekday daily trips, with a total of 9 trips occurring during the AM peak hour and 12 total trips during the PM peak hour. The site is located within the Roosevelt Urban Village, Frequent Transit Service Corridor and Station Area Overlay District. Roosevelt AVE NE and 12<sup>th</sup> AVE NE both have Metro Transit routes (traversing north and south), and are channelized with bike lanes on both sides of the street. It is anticipated that the pedestrian, bicycle, and transit modes of travel will be higher than what is inherently built into the ITE LUC 223 trip rates. The Transportation Engineer estimated a reduction in the trip rate to account for the increased alternative modes of travel by 1/3 less (33%). Thus, it is estimated that the trip generation for the project could be more in the range of 82 daily trips, 6 trips for the AM peak hour and 8 trips for the PM peak hour. The traffic analysis was reviewed and verified by the DPD Transportation Planner. Anticipated trips generated by this project proposal are not considered adverse and no mitigation is required.

### Parking

William Popp Associates provided a Parking Demand Study (dated April 25, 2012) and identified a parking demand of 11 vehicles for the project proposal. Due to the location of the project within an Urban Village and within a Frequent Transit Service Corridor no parking is required per the land use code and no parking has been provided on site. It is anticipated that the parking demand will be accommodated by on street parking. An existing surface parking lot will be removed with redevelopment of the site. It appears approximately 13 vehicles could park on site and either these vehicles will be relocated to the Calvary Temple located on the south side of NE 69<sup>th</sup> Street or be accommodated by on street parking.

To disclose the impact to on street parking, a parking utilization study (dated April 30, 2012) was conducted to establish on-street parking utilization in the vicinity. A total of 191 on-street spaces were counted within 800 feet of the project site (removing block faces with hourly restrictions).

Counts of parked vehicles were made at three times -a Wednesday and Thursday evening and Sunday morning during the peak parking demand for Cavalry Temple. The average parking utilization was 122 vehicles (including vehicles parked on the block faces with hourly restrictions). The existing parking utilization rate is 64 percent. With the addition of 24 vehicles (11 from the proposed development and 13 from the removal of the surface parking lot), the utilization rate increases to 76 percent approaching capacity which is considered to be 85 percent. Nearby developments will also add additional on street parking to the area. Since parking utilization is below capacity parking impacts are not considered adverse. Although SEPA Policy 25.05.675M recognizes that increased parking demand associated with development projects may adversely affect the availability of parking in an area, Policy 25.05.675M.2.b.2 states no SEPA authority is provided for the decision maker to mitigate the impact of development on parking availability for residential uses located within urban villages and within 1,320 feet of a street with frequent transit service, as in this case. Therefore no mitigation is required.

### Land Use

Under SMC25.05.675J.b it states, “Density-related impacts of development are addressed under the policies set forth in subsections G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) of this section and are not addressed under this policy”.

### Height, Bulk and Scale

SMC25.05.675G states the purpose of the City’s adopted land use regulations is to provide for a smooth transition between industrial, commercial, and residential areas to preserve the character of individual city neighborhoods and to reinforce natural topography by controlling the height, bulk and scale of development. It is also acknowledged that land use regulations cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. It also notes that the mapping of the City’s zoning designations cannot always provide a reasonable transition in height, bulk and scale between developments in adjacent zones. Further, the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.

The subject site is zoned Neighborhood Commercial; however the proposed development is vested to the Lowrise 2 development standards in the Land Use Code. The subject site is adjacent to a single family zone. The following is a comparison of the height, bulk and scale standards between these two residential zones:

A maximum height limit of 30 feet is permitted in both the single family and Lowrise 2 zones. The proposed development has a height limit of 30 feet. In single family zones yards are required- A 20 foot front yard; 25 foot rear yard (or 20% of lot depth); and five foot side yards. In Lowrise zones setback are required – a five foot front setback; 7 foot average/5 foot minimum side setback; and 15 foot rear setback. The proposed development will have a seven foot front setback (south property line adjacent to NE 69<sup>th</sup> Street); seven foot side setbacks (east and west

property lines); and, 28'-10" rear setback, which includes the majority of required amenity area. Single family development standards further limit structure size by lot coverage. The maximum lot coverage in a single family 5000 zone is 35 percent. The Lowrise 2 development standards do not regulate lot coverage, but regulate bulk and scale through FAR and structure width and façade length. The subject site is 6,167 sq. ft. (approx. 60'x103'). Thirty five percent of the lot area equals 2,158 sq. ft. The proposed structures foot print equals approximately 2,760 sq. ft. or 45 percent lot coverage. Structure width can be a maximum of 90 feet and façade length is measured by .65 times the lot depth (which equals 66.95). The proposed development will have a structure width of 46 feet and a façade length of 60 feet. Since the proposed development is meeting LEED, Built Green and Evergreen Sustainable Development Standard the FAR is increased from 1.1 to 1.3 (approximately 8.5% increase) and the development is exempt from density limits. The proposed development will have 30 residential units instead of five units which would be permitted if not meeting Built Green standards. In Lowrise zones there are also no density limits for rowhouse developments regardless if the proposal meets LEED, Built Green and Evergreen Sustainable Standards. Density limits also do not apply to townhouse developments meeting the LEED, Built Green and Evergreen Sustainable Development Standards. Both development standards for single family and Lowrise have landscape standards but neither requires landscape buffers between adjacent residential uses. The proposed development will include a new fence and landscaping in amenity areas and along the west property line screening a portion of the structure from the adjacent single family zone.

It is also reasonable to consider the potential development under the current zone of Neighborhood Commercial. Under this zone there are no density limits, FAR is 4 compared to the 1.3 standard for the proposed development, the height limit is 40 feet, there are no structure width and depth limits; and commercial uses, institutional uses, manufacturing uses, and residential uses are permitted outright. However, setbacks would be required for residential uses on lots adjoining a residential zone. A structure containing a residential use adjacent to a residential zone could be built at the property line. Any portion above 13 feet would be setback 15 feet from the property line. A structure built under the current zoning could have a greater height, bulk and scale, and more intensive uses than the proposal.

SMC25.05.675.2.b states, subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny a project to mitigate the adverse impacts of substantially incompatible height, bulk and scale. The decision maker does not find that there is any unanticipated adverse impact that may occur due to unusual topographic features or that the site is substantially larger than the prevalent platting pattern in the area. The decision maker also finds that the proposed development provides a reasonable transition in height, bulk and scale between developments in the adjacent single family zone. The decision maker does not find that the proposed development's height, bulk and scale is substantially incompatible with the adjacent single family zone. The decision maker finds that the proposed development located near the edge of a zone does not result in substantial problems of transition in scale or use which were not specifically addressed by the Land Use Code. Therefore, subject to the Overview Policy no mitigation is required.

## Public Utilities

It is the City's policy to minimize or prevent adverse impacts to existing public services and facilities. The proposed development has been reviewed and approved by the Seattle Fire Department. A water availability certificate was issued by Seattle Public Utilities (WAC 11-0585). Public drainage infrastructure is located in a combined sewer main on NE 69<sup>th</sup> Street. No street improvements are required to NE 69<sup>th</sup> Street right-of-way. No parks are located within the immediate vicinity of the proposal. Location for trash and recycle pick up meet standards and are located on site. No adverse impacts to existing public services and facilities have been identified; therefore no mitigation is required.

## **DETERMINATION OF NONSIGNIFICANCE**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☒ This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- ☐ This DNS is issued under WAC [197-11-340](#)(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

## **CONDITIONS**

### **During Construction**

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm and non-holiday weekends from 9am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed within the time limits of the noise ordinance once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
2. Construction activities outside the above-stated restrictions and meeting the Noise Ordinance may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Signature: \_\_\_\_\_ (signature on file) Date: August 9, 2012  
Stephanie Haines, Senior Land Use Planner  
Department of Planning and Development

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